

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Constt. Petition No. S- 87 of 2017.

Date of hearing	Order with signature of Judge
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06.03.2017.

1. For orders on office objections.
2. For Katcha Peshi.

Mr. Abdul Ghani Bijarani, Advocate for petitioner.

Mr. Ashfaq Hussain Abro, Advocate for respondents No.4 & 7.

Mr. Ameer Ahmed Narejo, State Counsel alongwith SIP Abdul Rehman of P.S Tangwani.

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Counsel for respondents No.4 & 7 files statement/ reply on behalf of these respondents, which is taken on record, copy whereof provided to counsel for petitioner. The respondents No.2 and 3 have also filed their statements, which are taken on record; copies supplied to other side.

Counsel for petitioner after going through the statements/ reply, states that despite directions the private respondents are exerting illegal pressure upon petitioner for her forcible marriage. He however submits that he would be satisfied if directions are issued to official respondents to provide complete lawful protection to petitioner and her family members by obtaining personal bonds from the private respondents.

Counsel for private respondents submits that respondents No.4 and 7 have not harassed petitioner, nor would harass her in future, therefore, he has also no objection for disposal of the petition. Incharge SHO is present; states that he will act strictly in accordance with law and would provide lawful protection to the petitioner.

Since, the grievance of the petitioner is seems to be genuine and it is right of every citizen to have her / his life according to his own choice and one cannot impose any condition to curtail the liberty of any citizen. The word life is defined by Hon'ble Supreme Court in case of Shehla Zia reported in PLD 1994 Supreme Court 693, which reads as under:

8/3/17



*"According to Oxford dictionary, 'life' means state of all functional activity and continual change peculiar to organized matter and specially to the portion of it constituting an animal or plant before death and animate existence."*

*"In Black's Law Dictionary, 'life' means "that state of animals, humans, and plants or of an organized being, in which its natural functions and motions are performed, or in which its organs are capable of performing their functions. The interval between birth and death. The sum of the forces by which death is resisted..... "Life" protected by the Federal Constitution includes all personal rights and their enjoyment of the faculties, acquiring useful knowledge, the right to marry, establish a home and bring up children, freedom of worship, conscience, contract, occupation, speech, assembly and press".*

*The Constitutional Law in America provides an extensive and wide meaning to the word 'life' which includes all such rights which are necessary and essential for leading a free, proper, comfortable and clean life. The requirement of acquiring knowledge, to establish home, the freedoms as contemplated by the Constitution, the personal rights and their enjoyment are nothing but part of life. A person is entitled to enjoy his personal rights and to be protected from encroachments on such personal rights, freedom and liberties. Any action taken which may create hazards of life will be encroaching upon the personal rights of a citizen to enjoy the life according to law. In the present case this is the complaint the petitioners have made. In our view the word 'life' constitutionally is so wide that the danger and encroachment complained of would impinge fundamental right of a citizen. In this view of the matter the petition is maintainable."*

In the light of dictum laid down by Hon'ble Supreme Court of Pakistan in case of *Shehla Zia* (supra), the respondents No.2 and 3 are directed to provide complete legal protection to the petitioner and her family and keep eagle eye upon the movement of respondents No.4 & 7. The respondent No.2 shall also ensure that the private respondents may not cause any harm or loss to the life of petitioner and her family and provide them lawful protection. In the above circumstances and in view of statements/ reply filed by the respondents, the instant petition has served its purpose, which is accordingly disposed of in above terms.

JUDGE  
20/3/17